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7 *David Craig, Justin Henley,*  
*and Daniel Mondragon*

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 JACOB SMITH,  
13 Plaintiff,  
14 vs.  
15 CHARLES DANIELS, et al.,  
16 Defendants.

Case No. 3:20-cv-00299-MMD-CSD

**ORDER GRANTING  
MOTION FOR EXTENSION OF TIME TO  
FILE MOTION FOR SUMMARY  
JUDGMENT (SECOND REQUEST)**

17 Defendants, David Craig, Justin Henley, and Daniel Mondragon, by and through counsel,  
18 Nevada Attorney General, Aaron D. Ford, and Deputy Attorney General, Kayla D. Dorame, hereby  
19 move this Court for extension of time to file a Motion for Summary Judgment. This Motion is made  
20 and based upon Federal Rule of Civil Procedure 6(b)(1)(A) and LR 26-3.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. FACTUAL ANALYSIS**

23 This is an inmate civil rights action brought by Plaintiff Jacob Smith (Smith) pursuant to 42  
24 U.S.C. § 1983. On August 6, 2021, this Court entered a scheduling order. (ECF No. 14.) The  
25 discovery cut off was November 4, 2021, and the dispositive motions were to be filed by December  
26 3, 2021. *Id.* Defendants filed a motion for extension of time to file their motion for summary  
27 judgment on November 23, 2021 requesting this court extend the dispositive motions deadline from  
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1 December 3, 2021 until February 1, 2022. (ECF No. 24.) Defendants' request was granted on  
 2 November 24, 2021. (ECF No. 25.)

3 **II. ARGUMENT**

4 Defense counsel respectfully requests a sixty (60) day extension of time to file their  
 5 dispositive motions from the current deadline of **February 1, 2022** until **April 4, 2022**<sup>1</sup>. Defendants  
 6 provide the following information in accordance with Local Rule 26-3.

7 **A. Discovery Completed**

8 Initial Disclosures were sent to Smith on September 2, 2021 and then a supplement was sent  
 9 on November 9, 2021.

10 **B. Discovery that Remains to be Completed**

11 No additional discovery is needed in this matter.

12 **C. Reasons Why the Deadlines Were Not Satisfied**

13 Smith filed a motion for leave to amend prior complaint 1983 on November 18, 2021. (ECF  
 14 No. 21.) Smith then filed a motion asking for written consent for leave to amend prior 1983  
 15 complaint on November 23, 2021. (ECF No. 22.) Defendants filed their response in opposition to  
 16 plaintiff's motion for leave to amend prior complaint 1983 on December 2, 2021. (ECF No. 26.)  
 17 Defendants then filed their response to plaintiff's motion asking for written consent for leave to  
 18 amend prior 1983 complaint on December 7, 2021. (ECF No. 27.) Magistrate Judge Cobb entered a  
 19 Report and Recommendation stating that Plaintiff's motion for leave to amend (ECF No. 21) should  
 20 be denied and Smith's motion for Defendants' consent to amend (ECF No. 22) should be denied as  
 21 moot. (ECF No. 28 at 9:14-17.) To date this Report and Recommendation has not been adopted by  
 22 the Honorable Miranda M. Du, Chief United States District Judge.

23 Dispositive motion deadline: February 1, 2022

24 Joint pretrial order (if no dispositive motions filed): March 3, 2022

25 **D. Proposed Deadlines**

26 Dispositive motion deadline: April 4, 2022

27 Joint pretrial order (if no dispositive motions filed): May 2, 2022

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<sup>1</sup> The 2<sup>nd</sup> day falls on Saturday, April 2, 2022. Thus, the date has been adjusted accordingly.

#### **E. Good Cause Supports this Request**

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

This Court should find good cause supports this request. When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendant's request is timely and will not hinder or prejudice Smith's case. This Court has not yet adopted or rejected the Report and Recommendation. Therefore, the parties are unclear as to what claims and defendants may apply after this Court's decision on the Report and Recommendation. More time provides all parties the opportunity to properly prepare, research, and write the dispositive motions in this case.

### III. CONCLUSION

Defendants request this Court extend the deadline for dispositive motions in this matter. Defendants assert that the requisite good cause is present to warrant the requested extension of time. The request is timely. Therefore, the Defendants request additional time, up until **April 4, 2022**, to file a dispositive motion in this matter.

DATED this 25<sup>th</sup> day of January, 2022.

AARON D. FORD  
Attorney General

By: /s/Kayla D. Dorame  
KAYLA D. DORAME, Bar No. 15533  
Deputy Attorney General

*Attorneys for Defendants*

IT IS SO ORDERED.

DATED: January 26, 2022.

C S O  
UNITED STATES MAGISTRATE JUDGE